IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3307 OF 2007

Sukesh Tulsi Vora. ..Applicant.
Versus
State of Maharashtra. ..Respondent.

..

Mr.Tanvir Shaikh, Adv. for the Applicant.
Mrs.A.S.Pai, APP, for the State.

..

CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : NOVEMBER 30, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant-orig.accused has prayed for quashing of proceedings relating to CC No.7677/PS/2006, which is pending before the learned M.M, 39th Court, Vile Parle, Mumbai. The said case pertains to C.R.No.27 of 2005 of Andheri Police Station under Section 21 of the Maharashtra (Urban Areas) Preservation of Trees Act, 1975.

3. It is the case of the complainant that a

hoarding was found near the junction of Apna Ghar Co-operative Housing Society, N.C. Phadake Marg, Sai Wadi. On the said hoarding an advertisement pertaining to the company, wherein the applicant is a Director, was displayed. One tree was found cut in front of the said hoarding. The trunk of the tree was not cut through fully so as to cut the tree into two but the trunk was found cut upto 3/4th of the trunk of the tree. It is the case of the complainant that it was the applicant who has caused the tree to be cut. Hence he lodged his complaint against the applicant.

4. In the present case the investigation is over and the charge sheet has been filed. I have perused the record. The complainant does not state that he has seen the applicant either cutting the tree or giving directions to anyone that the trees in question be cut nor has the complainant stated that the tree was cut by anyone on the directions of the applicant. It is an admitted fact that the hoarding on which the advertisement of the applicant’s company was displayed does not belong to the applicant, but,

the applicant's company had only displayed the advertisement on the said hoarding. After perusal of the entire record, I find that there is no material to show that the applicant caused the tree to be cut. In the present case, as far as the applicant, is concerned the provisions of Section 21 of the said act are not at all attracted. Hence the proceedings relating to CC No.7677/PS/2006 pertaining to C.R.No.27 of 2005 of Andheri Police Station, which are pending before the learned M.M, 39th Court, Vile Parle, Mumbai are quashed.

5. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)